

PROB 12C
(6/16)

Report Date: January 31, 2019

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
JAN 31 2019
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Antonio Perez

Case Number: 0980 2:17CR00145-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge (Montana)

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 17, 2010

Original Offense: Conspiracy to Distribute Cocaine, 21 U.S.C. § 841 (b)(1)(B)

Original Sentence: Prison - 72 months
TSR - 48 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison: Time Served
(June 26, 2017) TSR - 24 monthsRevocation Sentence: Prison - 8 months
(January 4, 2018) TSR - 49 months

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: August 14, 2018

Defense Attorney: J Houston Goddard

Date Supervision Expires: September 13, 2022

PETITIONING THE COURT

To issue a summons and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/23/2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2	<p><u>Special Condition # 5:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p>
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Supporting Evidence: On January 14, 2019, Mr. Perez failed to report for phase urinalysis testing at Pioneer Human Services (PHS) as required. The offender again failed to report for phase urinalysis testing on January 25, 2019.

On August 20, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Perez, as outlined in the judgment and sentence. He signed the judgment acknowledging the requirements.

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Based on an assessment conducted by PHS on October 16, 2018, Mr. Perez was referred for phase urinalysis testing effective October 19, 2018. At that time, the offender was advised that he would need to call the phase urinalysis hotline daily and report for testing when "Gold" was identified.

On January 29, 2019, this officer received notification from PHS that the offender had failed to report for random urinalysis for a second time this month.

On January 29, 2019, following that notification, this officer attempted to contact Mr. Perez via text message and phone call in an attempt to instruct him to report to the U.S. Probation Office for urinalysis testing, but was unsuccessful. The offender did not contact the undersigned officer until January 30, 2019.

- 3 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On December 27, 2018, and January 7, 2019, Antonio Perez failed to attend substance abuse treatment, according to his established treatment plan, as required.

On August 20, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Perez, as outlined in the judgment and sentence. He signed the judgment acknowledging the requirements.

On January 7, 2019, this officer received a notification from Mr. Perez' assigned counselor advising that the offender had failed to report for treatment for a second time. He expressed concern because Mr. Perez was initially scheduled to attend treatment for a brief period, 6 weeks to be exact, in order to address and develop a relapse prevention plan. At that time, the counselor advised that the offender's treatment plan would need to be extended and that Mr. Perez would need to be in compliance for a minimum of 30 days before he could be considered for discharge.

On January 30, 2019, the undersigned officer spoke with counseling staff at PHS regarding the offender's treatment plan. They informed this officer, because Mr. Perez failed to report for urinalysis testing on January 25, 2019, he is now considered to be out of compliance with his treatment plan.

- 4 **Mandatory Condition #6:** You must participate in an approved program for domestic violence.

Supporting Evidence: On January 21, 2019, Mr. Perez' file with Social Treatment Opportunity Programs (STOP) was closed because he failed to engage in treatment.

On August 20, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Perez, as outlined in the judgment and sentence. He signed the judgment acknowledging the requirements.

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On January 30, 2019, this officer spoke with the certified domestic violence counselor that had met with Mr. Perez. She confirmed the offender completed the paperwork portion of their evaluation on October 11, 2018. The counselor further advised that she again met with Mr. Perez on November 9, 2018, to conduct the interview portion of the evaluation. According to the counselor, the offender failed to sign up for group treatment sessions resulting in his file being closed on January 21, 2019.

After STOP sent notification to Mr. Perez and this officer that his file had been closed, the offender contacted STOP requesting to schedule an appointment. The counselor advised that Mr. Perez is scheduled to again meet with a counselor on February 8, 2019.

The U.S. Probation Office respectfully recommends the Court to issue a summons and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/31/2019

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

01/31/19
Date